

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 22, 2006

SENATE BILL

No. 1304

Introduced by Senator Runner

February 16, 2006

An act to amend Section 81162 of, to add Sections 81005, 81050.3, and 81050.5 to, to add the heading of Article 7.5 (commencing with Section 81149) to Chapter 1 of Part 49 of, to repeal Sections 81051, 81130, 81130.3, 81130.5, 81130.6, 81133, 81133.5, 81134, 81135, 81136, 81138, 81141, 81142, 81143, 81144, 81146, and 81147 of, and to repeal the heading of Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of, the *add Section 81005 to the* Education Code, relating to community colleges, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1304, as amended, Runner. Community colleges: facilities.

(+) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Throughout the state, community college districts operate campuses and provide instruction to students. Existing law provides standards and procedures for the construction of school facilities by community college districts.

This bill would authorize state funds provided for the capital outlay financing needs of the California Community Colleges to be used to acquire an existing government-owned or privately-owned building and for the necessary costs of converting that building to community college use. The bill would provide that a community college district that is eligible for state funding for capital outlay financing may

purchase such a building and convert it to community college use with state funds if it meets specified criteria.

The bill would specify that funding for buildings purchased under the bill would not supersede funding for community college facilities that have previously been prioritized by the board of governors and are awaiting state funding. The bill would also specify that a community college district that purchases an existing building under the bill is authorized to request state funding for instructional equipment, as specified.

~~(2) Existing law requires the Department of General Services to supervise the design and construction of certain school buildings, including specified community college facilities, to ensure that plans and specifications comply with specified structural safety standards and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law also requires the department to pass upon and approve or reject all plans for the construction of, and in some cases, the alteration of, any school building subject to those provisions, and to make inspections of the school buildings and work of construction or alteration that in its judgment is necessary or proper for the enforcement of these requirements and the protection of the safety of the students, the instructors, and the public. These requirements are part of the body of law known as the Field Act.~~

~~Existing law establishes the California Building Standards Commission within the State and Consumer Services Agency, and requires the commission to review and approve building standards proposed and adopted by state agencies and to codify and publish approved building standards in one state building standards code, known as the California Building Standards Code.~~

~~This bill would express findings and declarations of the Legislature with respect to the need for a more effective, efficient, and timely community college facility development and construction program.~~

~~The bill would repeal the provisions of the Field Act as they apply to the construction of community college facilities.~~

~~The bill would instead specify that the seismic retrofit standards adopted by the State Architect and the California Building Standards Commission for state buildings, including those owned by the University of California and the California State University, would be~~

~~applicable to the retrofit or new construction of community college school buildings, as defined.~~

~~The bill would require the board of governors to be responsible for, and to establish, by September 1, 2007, the processes and procedures necessary and required to ensure that the design and construction of school buildings conform to the requirements of the applicable building standards of the California Building Standards Commission, including, but not necessarily limited to, the provisions relating to building permits, certification of design, observation of construction, and certificates of occupancy. The bill would specify the conditions to be met before the board of governors could issue a certification that a community college school building meets the requirements of the bill. The bill would authorize the board of governors to make rules and regulations that it deems necessary, proper, or suitable to implement these provisions.~~

~~The bill would authorize the board of governors to charge participating community college districts fees to cover the costs of the board of governors in administering these provisions. The bill would require the fees charged under the bill to be deposited into the State Treasury and credited to the continuously appropriated Board of Governors Building Compliance Fund, which the bill would establish.~~

~~Vote: majority. Appropriation: yes/no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. (a) The Legislature hereby finds and declares all~~
- 2 ~~of the following:~~
- 3 ~~(1) It is the intent of the Legislature, in recognition of the~~
- 4 ~~growing need for higher education facilities in California, and in~~
- 5 ~~recognition also of the California Community Colleges as an~~
- 6 ~~integral part of the state's system of colleges and universities, to~~
- 7 ~~establish the authority within the California Community Colleges~~
- 8 ~~to implement an effective and efficient facility development and~~
- 9 ~~construction program the incorporates the findings and~~
- 10 ~~declarations of this section.~~
- 11 ~~(2) The current processes for achieving approval of plans and~~
- 12 ~~construction of community college facilities no longer ensure~~
- 13 ~~that the requirements of this fast-growing segment of the~~

1 postsecondary education system will be met in a timely and
2 effective manner.

3 ~~(3) Authorizing the California Community Colleges to~~
4 ~~undertake its own process for approval of plans and construction~~
5 ~~of its facilities will lead to a more effective, efficient, and timely~~
6 ~~facility development and construction program.~~

7 ~~(b) Therefore, it is the intent of the Legislature, in enacting this~~
8 ~~act, to authorize and require the Board of Governors of the~~
9 ~~California Community Colleges to undertake all responsibilities~~
10 ~~for the design and construction of community college facilities~~
11 ~~that currently reside within the Department of General Services.~~

12 ~~SEC. 2.~~

13 *SECTION 1.* Section 81005 is added to the Education Code,
14 to read:

15 81005. (a) State funds provided for the capital outlay
16 financing needs of the California Community Colleges may be
17 used to acquire an existing government-owned or
18 privately-owned building and for the necessary costs of
19 converting that building to community college use. A community
20 college district that is eligible for state funding for capital outlay
21 financing may purchase an existing government-owned or
22 privately-owned building and convert it to community college
23 use with state funds if all of the following criteria apply:

24 (1) The building to be purchased was constructed as, and
25 continues to qualify as, a school building pursuant to Article 3
26 ~~(commencing with Section 81050)~~ 7 *(commencing with Section*
27 *81130)*, or the building is determined to have, or is rehabilitated
28 to an extent that it is determined to have, a pupil safety
29 performance standard that is equivalent to that of a building
30 constructed pursuant to Article 3 ~~(commencing with Section~~
31 ~~81050)~~ 7 *(commencing with Section 81130)*.

32 (2) The total cost of purchasing and converting the existing
33 building to community college use is not greater than the
34 estimated cost of constructing an equivalent building.

35 (3) The land associated with a building to be purchased will be
36 owned by, or controlled through a long-term lease by, the
37 community college district, and that purchase or long-term lease
38 will be approved by the California Postsecondary Education
39 Commission pursuant to Section 66904.

1 (b) Funding for a building to be purchased under this section
2 shall not supersede funding for community college facilities that
3 have previously been prioritized by the board of governors and
4 are awaiting state funding. Buildings purchased under this
5 section shall be subject to the annual prioritization process of the
6 board of governors, and shall not receive higher priority for state
7 funding because they are existing buildings rather than buildings
8 proposed to be constructed.

9 (c) A community college district that purchases an existing
10 building under this section may request state funding for
11 instructional equipment. Funding for that instructional equipment
12 shall be provided in the same manner as for other community
13 college facilities, provided that the chancellor determines that the
14 purchase of this equipment qualifies as a priority for state
15 funding.

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18 **All matter omitted in this version of the bill**
19 **appears in the bill as amended in Senate,**
20 **March 22, 2006 (JR11)**
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